

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

CONRAY CARROLL	§	
VS.	§	CIVIL ACTION NO. 5:17cv187
BOWIE COUNTY, TEXAS	§	

MEMORANDUM OPINION AND ORDER

The Court previously referred this petition for writ of habeas corpus to the Honorable Caroline M. Craven, United States Magistrate Judge. The Magistrate Judge has entered a Memorandum Opinion and Order of Transfer providing that this matter be transferred to the Western Division of the United States District Court for the Eastern District of Arkansas. Docket Nos. 5 and 6. Petitioner has filed an objection to the Memorandum Opinion and Order of Transfer. Docket No. 8.

The Magistrate Judge's Memorandum Opinion and Order of Transfer involved a nondispositive matter. A District Judge may reconsider any such order where it is shown that the order is clearly erroneous or contrary to law. *Castillo v. Frank*, 70 F.3d 382, 385 (5th Cir. 1995); 28 U.S.C. § 636(b)(1)(A).


Petitioner is confined pursuant to a judgment of the Judicial District Court of Pulaski County, Arkansas. Petitioner states he was forcibly transferred from the Arkansas Department of Corrections to the Bowie County Correctional Center in Texarkana, Texas pursuant to an order of Ms. Wendy Kelley, the Director of the Arkansas Department of Corrections. Petitioner states no charges have been filed against him in Texas and complains that his transfer violates the orders of the Arkansas state court where he was convicted. The Magistrate Judge concluded the petition should be transferred to the Eastern District of Arkansas because Petitioner's incarceration is the result of his conviction in an Arkansas state court.

In his objections, petitioner states that the transfer of this matter violates his right to bring his petition in this court, as well as his rights to be confronted by the witnesses against him and to use compulsory process to call witnesses to testify on his behalf.

After careful consideration, the Court is of the opinion that the Magistrate Judge's Memorandum Opinion and Order of Transfer were not clearly erroneous or contrary to law. This Court and the Eastern District of Arkansas have concurrent jurisdiction over this petition.<sup>1</sup> As petitioner's incarceration in the Bowie County Correctional Center is due to his conviction in an Arkansas state court and is not the result of any process issued by a Texas state court, it would be more appropriate to have this petition adjudicated in the federal judicial district where a challenge to petitioner's Arkansas conviction would be asserted. There is no reason to believe all relevant witnesses would not be available to testify in any proceedings conducted by the Arkansas federal court. The Magistrate Judge therefore correctly concluded this petition should be transferred. Accordingly, it is

**ORDERED** that petitioner's objections to the Memorandum Opinion and Order of Transfer are **OVERRULED**.

**So ORDERED and SIGNED this 19th day of January, 2018.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Title 28 U.S.C. § 2241(d) provides that a habeas petition may be filed in either the federal judicial district where the petitioner was convicted or the judicial district where he is incarcerated.